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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 48th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 1 March 1991, at 3 p.m.

Chairman: Mr. VASILENKO (Ukrainian SSR)

later: Mr. BERNALES BALLESTEROS (Peru)

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The meeting was called to order at 3.40 p.m.

VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS (agenda item 5) (continued) (E/CN.4/1991/L.22)

THE ADVERSE CONSEQUENCES FOR THE ENJOYMENT OF HUMAN RIGHTS OF POLITICAL, MILITARY, ECONOMIC AND OTHER FORMS OF ASSISTANCE GIVEN TO THE COLONIAL AND RACIST REGIME IN SOUTHERN AFRICA (agenda item 6) (continued) (E/CN.4/1991/L.23/Rev.1)

1. Mr. SENE (Senegal), speaking in explanation of vote, said that his delegation regretted that the Commission had been unable to reach a consensus on the adoption of draft resolution E/CN.4/1991/L.23/Rev.1, which had been admirably introduced by the delegation of Egypt. It hoped, however, that the situation was changing for the better and that, in the near future, a mutual understanding could be reached on the adoption of such a resolution.

2. His delegation was satisfied that the adoption of draft resolution E/CN.4/1991/L.22 reflected an international consensus. A compromise approach on the subject was currently difficult: while everyone wished to pay respect to the efforts made, over a number of decades, to put an end to the existing human rights situation in South Africa, that situation was changing, and had been since Namibia's accession to independence. Complex negotiations were taking place. The Commission had to take note of the progress made. In that regard, the decision arrived at by consensus marked a significant step forward in its approach.

3. Everyone was still committed to the struggle against apartheid, and the current developments in South Africa would, despite some positive signs, continue to be followed with vigilance. In particular, President De Klerk's extremist opponents must not be allowed to gain any impression of leniency towards them. That was one reason why the consensus decision was welcome; another was the clear signal thus sent, to all those struggling to eliminate apartheid, that their efforts were recognized.

4. His delegation applauded not only the decision but also the exemplary way in which the members of the Commission had examined it. The Commission's action would give clear encouragement to the process of negotiation taking place in South Africa which, it was to be hoped, would soon lead to the drafting of a new democratic constitution and the organizing of free and fair elections with a view to creating a democratic State in which all its citizens could participate.

5. Mr. CUNHA ALVES (Portugal) said that his delegation welcomed the adoption by consensus of draft resolution E/CN.4/1991/L.22, after extensive negotiations with the African Group. Adoption of that text without a vote was a major achievement in the Commission's work, and had been possible due to the positive political changes in South Africa over the past year. The part of the wording related to sanctions should be avoided in future texts; an easing of the measures adopted in 1986 against South Africa, as the European Community proposed, was necessary in order to promote South Africa's economic development and strengthen its democratic institutions.

6. The measure would, of course, depend upon the South African Government's adoption of legislation for the total abolition of apartheid and the promotion of human rights and fundamental freedoms for all its population. His Government sincerely hoped that a united, non-racial and democratic South Africa could be established in the near future.

7. Mr. ROMARE (Sweden) said that his delegation welcomed the adoption by consensus of draft resolution E/CN.4/1991/L.22. It was the first time that the Commission had adopted such a text in that way, and his delegation was grateful to the members on all sides of the debate for their contribution.

8. Mr. CHABALA (Zambia) said that, on behalf of the front-line States, his delegation wished to state, for the record, its interpretation of some of the provisions of the resolution contained in document E/CN.4/1991/L.22.

9. First of all, his delegation reaffirmed its conviction that apartheid remained a threat to regional and international peace and security, an aspect that was not adequately reflected in the text just adopted. The front-line States continued to suffer the adverse consequences aptly set forth in the Declaration of Apartheid and its Destructive Consequences in Southern Africa, which the General Assembly had adopted by consensus in its resolution S-16/1. Secondly, increased economic, humanitarian, educational and other assistance to the victims of apartheid and to the liberation movements was critical, especially at the current phase of the struggle.

10. Thirdly, the front-line States remained firmly convinced that sanctions constituted the most effective peaceful means of encouraging the South African régime to eradicate the apartheid system. The recent positive changes in South Africa were attributable in no small measure to the existing sanctions. Consequently, there was a need to maintain them, and all forms of pressure, until agreements were reached on transitional arrangements for the drafting and adoption of a new constitution and the transition to a democratic order, including the holding of elections - one of the objectives stipulated in the Declaration. The required changes must be real and practical and not merely superficial or declarations of intent.

11. That policy position had been recently underscored at the summit meeting of the heads of front-line States, and endorsed by the OAU Ad Hoc Committee of Heads of State and Government on southern Africa, subsequently upheld by the OAU Liberation Committee, and shared by the Commonwealth Committee of Foreign Ministers on South Africa.

12. Fourthly, that position was based on the recent political developments in southern Africa, in particular the implementation of the Harare Declaration and the Declaration adopted by the General Assembly in resolution S-16/1 - declarations which, regrettably, had not been adequately reflected in the resolution contained in document E/CN.4/1991/L.22.

13. Those conclusions and recommendations were significant and timely, particularly in the light of recent deviations by certain Member States from the international consensus on the maintenance of sanctions, as reflected in the Declaration and its Programme of Action. The front-line States strongly urged all Governments, intergovernmental organizations and financial

institutions, notably IMF and the World Bank, to respect and adhere strictly to that consensus, and appealed to Governments which had decided to lift sanctions to desist from such action, which was likely to undermine the sanctions that existed.

14. The delegations on whose behalf he was speaking had also highlighted some key elements which, regrettably, had been omitted from, or inadequately reflected in, the resolution, thus seriously undermining its importance. It was regrettable that a resolution adopted at the current critical stage of the liberation struggle in South Africa merely reflected the lowest common denominator; the text was an unrealistic one and fell far short of the expectations of the oppressed people of South Africa and the international community.

15. Mr. SEMICHI (Observer for Algeria) said that his delegation had been a sponsor of the original text of draft resolution E/CN.4/1991/L.22, which had been in keeping with the position adopted at the recent meetings of OAU bodies referred to by the previous speaker. He reiterated the appeal made to the international community to maintain a common international approach on the subject.

16. In view of the amendments to the original draft, his delegation, which was not currently a member of the Commission, had no option but to withdraw its support. It formally declared its endorsement of the OAU position, which reflected the only way to make progress towards a true and lasting solution of the situation in South Africa, and reiterated Algeria's support for the front-line States.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT

(agenda item 12) (continued)

17. The CHAIRMAN invited the representative of the Union of Soviet Socialist Republics to speak on a point of order.

18. Mr. KOLOSSOV (Union of Soviet Socialist Republics) said that his delegation was dissatisfied by the way in which the Information Service had reported its statement at the extended 42nd meeting (E/CN.4/1991/SR.42). Despite the fact that its statement had been made in English, in the hope of avoiding errors in reporting the highly delicate procedure involved, the outcome had seemingly been worse than if the statement had been made in Russian; and the Chairman's statement, made in Spanish, had been omitted altogether from the same press release, HR/2748.

19. His delegation wondered whether the purpose was to promote the circulation of the so-called Corr.1, which had appeared under a sensational title; having made a thorough check, he could find no precedent for such an

action. Although the Information Service had promised to circulate a Corr.2 to replace the text of Corr.1, which should have been deemed non-existent, the same press release had appeared, prior to the current meeting, in a French translation from the English. Such action was not conducive to removing his delegation's doubts about the efficiency and professional qualities of certain officers of the Information Service.

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION OF ALL FORMS OF INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR BELIEF (agenda item 22) (continued) (E/CN.4/1991/56)

20. Mr. PREJEAN (International Indian Treaty Council) said that the cease-fire announced in the Gulf region had answered many prayers for peace; but there was no knowing how many more cease-fires there would have to be.

21. The Six Nations of the Iroquois Confederation believed that spirituality was the highest form of political consciousness, but the natural expression of spirituality had been all too often impeded by Governments. The churches, too, had contributed to the genocide and oppression of indigenous peoples, evangelism having led to paternalism which fostered submission and dependence rather than liberation. Many major religions and their practitioners thought that apologies to indigenous peoples could compensate for the latter's tremendous sufferings. It was time that the churches provided genuine aid in liberating the indigenous peoples of their nations.

22. The United States Supreme Court had failed to protect the rights, pursuant to the First Amendment, of believers in the native American religions, who revered nature. The indigenous Hawaiians likewise believed in natural life elements and the individual human spirit. Natural peoples needed no man-made cathedrals in order to express their reverence for nature, which to them was God.

23. For years the Déne and Hopi people of Arizona had been urging the Commission to speak out in support of their expression of the ties with their lands, and against relocation, which was genocide. United States military forces had blatantly abused indigenous burial grounds in Hawaii; disrespect for human remains had been demonstrated at Mo'o Kapu, in Kaneohe O'ahu; thousands of skeletons were piled in boxes at the Bishop Museum, and common decency and respect called for their proper reinternment. In New Zealand, sacred areas had likewise been despoiled by steel companies.

24. Prisoners of conscience such as Leonard Peltier, whom Canada had shamefully extradited to the United States on the basis of fabricated evidence, and David Sohappy exemplified the sacrifices made by indigenous peoples who sought to practise their spiritual beliefs. The right of indigenous peoples and native nations to express their traditional reverence for nature deserved protection.

25. Mr. LITTMAN (World Union for Progressive Judaism) said that, at the Commission's 46th meeting, his organization had been pleased to exchange its place in the order of speakers with another non-governmental organization in order that an 11-year-old Muslim girl would be able voice her deep religious convictions before the Commission, without being obliged to return to give her personal testimony at an unknown hour. In view of the serious time

constraints facing the Commission, he had decided, on behalf of his organization, to submit a written statement on agenda item 22 which, he hoped, would be circulated before the end of the session. His organization might likewise decide not to speak on item 19 or item 20.

26. Mr. IMADI (Observer for the Syrian Arab Republic), speaking in exercise of the right of reply, said that, at the Commission's current session, some Zionist organizations had repeated baseless and far-fetched allegations concerning Syrian citizens of Jewish faith. Those allegations were obviously part of a campaign intended to discredit his country in the eyes of the international community.

27. He emphasized unequivocally that the Syrian Arab Republic promoted tolerance and coexistence among all its citizens, regardless of religion or race. That had been substantiated by many visitors, including members of the United States Congress and prominent American and European journalists. Those with an interest in the matter could read the articles and view the films produced by those visitors, which demonstrated the high standard of living and social status enjoyed by the Syrians of Jewish faith.

28. His country did not need a certificate of good conduct from Zionist organizations. Zionism used Judaism - a religion for which he had the highest respect - to disguise its objectives and discriminatory policy. That policy had been condemned by many distinguished persons of the Jewish faith, who had distanced themselves from zionism because of their awareness of the harm it could do to Jewish principles.

29. The Zionist organizations' objective was to divert attention from the heinous Israeli occupation of the Syrian Arab Golan and other Palestinian and Arab territories, the brutal Israeli practices with regard to the Arab population of those territories, and the suffering of hundreds of thousands of Arabs in Israeli gaols, who were denied their basic human rights.

30. It was the Commission's responsibility to put an end to such irresponsible conduct on the part of the Zionist organizations in order to maintain its credibility and to achieve its objectives.

31. Mr. PRZYGODSKI (Observer for Poland), speaking in exercise of the right of reply, said that the representative of the American Association of Jurists had accused the Polish people, the Polish authorities and the Catholic Church in his country of anti-Semitism. Such statements could not go unanswered. While cases of anti-Semitism indeed occurred in many countries - including, regrettably, his own - and all manifestations of anti-Jewish prejudice should be deplored and condemned, he forcefully rejected the unjust charges of anti-Semitism made against the Polish people, the Polish authorities and the Catholic Church in Poland.

32. The Polish nation, like the Jewish nation, had been a victim of genocide perpetrated by Nazi Germany. Moreover, hundreds, if not thousands, of Poles had been ruthlessly killed during the Second World War, because of their efforts to aid and rescue many Jews.

33. The allegations concerning his country's "old anti-Semitic tradition" were both false and offensive. In fact, the opposite was true: for centuries, Poles and Jews had lived in peace and harmony, and thousands of Jews had found a safe haven from persecution on Polish soil.

34. The allegations made against the Polish authorities and the Church were equally absurd. President Walesa and Cardinal Glemp had strongly and unequivocally condemned anti-Semitism, as had the Polish Episcopate in its letter of 30 November 1990.

35. Poland was a party to most of the international human rights instruments, including the Convention on the Elimination of All Forms of Racial Discrimination. His Government believed it necessary scrupulously to implement all the provisions of the relevant conventions in order to eradicate national, ethnic, racial or religious hatreds. The biased, prejudiced and unfair statements made by the representative of the American Association of Jurists were of no service to the purposes for which the Commission had been established.

ADVISORY SERVICES IN THE FIELD OF HUMAN RIGHTS (agenda item 21) (continued) (E/CN.4/1991/5 and Add.1, 54 and Add.1 and 55)

36. Mr. HARUN-UR-RASHID (Bangladesh) said that the advisory services programme was one of the most useful forms of technical assistance in the field of human rights. The report of the Secretary-General (E/CN.4/1991/55) had once again demonstrated the wide-ranging assistance activities of the Centre for Human Rights. He noted with interest that requests for advisory services had been received from 43 countries, and expressed appreciation to the Government of the Philippines for hosting the Asian and Pacific Regional Workshop, in which representatives of his country had participated.

37. The success of the programme, however, depended upon a number of factors. Its heavy reliance on voluntary contributions demonstrated the inherent vulnerability of its funding sources. Contributions should be predictable, long-term and adequate.

38. The main priority of the programme should be to improve national infrastructures in the field of human rights. While the holding of seminars was useful, emphasis might be placed on building, strengthening and improving national institutions and assisting them. A small number of demonstration projects dealing with the promotion and protection of human rights could be initiated by the Centre. Serious attention should be given to the training of law librarians, legal clerks and administrative officers. Priority should also be given to assistance in the review of legislation, preferably through the services of national experts.

39. He shared the view that the Commission should distinguish more clearly between the activities of the regular programme of advisory services and those of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights. Seminars and fellowship programmes should be financed under the regular programme, while specific measures in individual countries should be financed from the Voluntary Fund.

40. In addition to the experts' reports, the Commission's special rapporteurs and working groups might be encouraged to submit technical assistance projects. Furthermore, countries which had benefited from the programme of advisory services could be requested to submit reports on the usefulness of the programme.

41. In the current financial climate, advisory services had to be carefully planned and should be tailored to the specific needs of beneficiaries. Care must be taken to ensure that the costs of the programme were commensurate with its benefits. In addition, the entire United Nations system should be put to full use in the implementation of the programme. He particularly welcomed the continuing co-operation between the Centre and national institutions in the field of human rights. Timely and effective co-operation with Governments often yielded better results than the mere monitoring of the human rights situation in particular countries. In that connection, broad-based guidelines spelling out opportunities, priority areas and criteria for country-specific project designs should be developed and circulated to the Member States.

42. Mr. BARKER (Australia) said that agenda item 21 had developed two main elements: the programme of advisory services itself and the consideration of certain country situations.

43. In considering new approaches to human rights, it was important to strengthen preventive and non-confrontational mechanisms of all kinds. His delegation welcomed the recent, more co-operative and consultative approach to the consideration of human rights issues in international forums. However, in order to encourage lasting improvements, it was desirable to strengthen national and international institutions and infrastructures for the promotion and protection of human rights. Progress towards that goal would obviously be facilitated by an increased flow of resources.

44. As noted in paragraph 11 of the Secretary-General's report (E/CN.4/1991/55), the request for or provision of advisory services did not reduce a Government's accountability for the human rights situation in its country. At the same time, the provision of advisory services in the field of human rights should not be seen as implying condemnation of the country concerned. All States experienced human rights problems; all must strive to overcome them, either through their own resources or with outside assistance.

45. The Voluntary Fund provided support for advisory services over and above that provided by the United Nations regular budget. If there was to be a major expansion in the Organization's activity in that area, the only realistic approach would be to increase the resources available to the Voluntary Fund. To that end, donor Governments would have to be satisfied that their contributions were being channelled into activities of clearly demonstrable benefit.

46. The role of the Centre for Human Rights was vital in ensuring the viability of the advisory services programme. His delegation welcomed the strenuous efforts made over the past two years to ensure effective project identification and design and satisfactory standards of accountability. In that connection, he was pleased to inform the Commission that his Government had increased its contribution to the Voluntary Fund in 1991.

47. His Government was particularly interested in the enhancement of human rights in the Asian and Pacific region, and had welcomed the Regional Workshop held at Manila in May 1990. In addition to that workshop, representatives of his country had also participated in the South Pacific Seminar on Human Rights Instruments, held at Rarotonga in November 1990, and had attended the World Congress on Human Rights held at New Delhi in December 1990. His delegation urged the Centre to continue to pay attention to the Asian and Pacific region and to give favourable consideration to requests for training and other forms of practical assistance.

48. Turning to the question of country situations, he expressed concern that there was a danger of elements of controversy or confrontation being introduced into what should be a co-operative field of endeavour. The potential of the advisory services programme as a means of promoting and protecting human rights was too great for it to be used as a procedural expedient, designed to suggest a lower level of international concern at the situations in some countries. Such manipulation of the agenda raised the risk of confusing monitoring with assistance and creating reservations among potential donors as to the credibility of advisory services. The programme would have no credibility at all if it became a substitute for serious consideration by the United Nations of situations involving systematic human rights abuse.

49. The consideration of the situations in Equatorial Guinea and Guatemala under agenda item 21 was manifestly inappropriate. Any artificial ordering of country situations in response to political considerations would lead to inconsistencies, with the more serious situations being considered under the agenda item on advisory services and the less serious situations being considered under agenda item 12. The simple solution was for all country situations to be considered under agenda item 12, its title, perhaps, being changed to "Situation of human rights and fundamental freedoms in any part of the world".

50. Advisory services could still be provided to such countries, as and when appropriate. The Commission could then concentrate on the positive side of advisory services, providing necessary assistance to countries wishing to develop their human rights institutions and infrastructures.

51. Mr. STROHAL (Austria) said that the question of advisory services and technical co-operation in the field of human rights was increasingly becoming central to many items on the Commission's agenda. Since advisory services were provided to remedy or prevent situations of human rights violations, agenda item 21 was the proper framework for a comprehensive review of such topics.

52. With regard to the content of technical co-operation, it would be beneficial to establish clear priorities for projects which were most likely to have not only an immediate but also a lasting impact on the human rights situation in a particular country or region. Advisory services could not substitute for action by Governments, but could assist and strengthen their efforts.

53. It was therefore important to focus in particular on the building or strengthening of national institutions in the field of human rights. Such assistance should include specific measures for the effective implementation of international standards at the national level. In that context, education and training, especially of legislators, judges, law-enforcement officials and teachers would clearly play a role. Another practical proposal was the elaboration by the Sub-Commission on Prevention of Discrimination and Protection of Minorities of model texts for national legislation in the field of the administration of justice. Effective follow-up by the Centre and by the country concerned was also important.

54. His delegation was impressed by the efforts made over the past year by the Centre with regard to the structure and management of a comprehensive programme. It would be useful to distinguish more clearly between activities financed under the regular programme of advisory services and those financed from the Voluntary Fund. In that connection, inadequate financing for the regular programme would have to be dealt with by the appropriate United Nations organs in order to secure the necessary increase without resorting to voluntary contributions.

55. As for the Voluntary Fund, he noted with appreciation the Centre's efforts to establish clear internal structures for dealing with individual requests. He was convinced that the work of the Centre's advisory group, on the basis of new guidelines for project formulation, implementation and assessment, would soon produce the desired results, particularly in the light of the steady expansion of the funds available. He was pleased to announce that his Government had decided, as a first step, to double its contribution to the Voluntary Fund.

56. The World Information Campaign for Human Rights was a promising new activity for the Centre in a related field. Its complementarity with the regular programme and with the projects under the Voluntary Fund was essential, but the financing should remain clearly distinct.

57. The whole range of United Nations bodies and agencies had an increasingly important role to play in fostering respect for human rights through concrete co-operation projects. In that context, his delegation appreciated the Centre's efforts to serve as a focal point for regular inter-agency contacts. All institutions active in the field, whether governmental assistance agencies or non-governmental organizations, should be encouraged to co-operate with the Centre, which must co-ordinate project identification and assessment as well as implementation and follow-up by executing agencies. Clearly, such a programme required a further strengthening of the Centre's resources.

58. His delegation was pleased that a growing number of countries were expressing an interest in carrying out co-operation projects and that projects increasingly met the above-mentioned criteria and could thus be implemented. Apart from the long-standing programmes for Equatorial Guinea, Colombia and Guatemala, there had been an expansion of the range of projects for countries such as Mongolia, Romania, Gambia and Paraguay. With regard to regional activities, his Government was actively supporting the Centre's co-operation with the African Commission on Human and People's Rights.

59. One of the key elements in the comprehensive nature of advisory services programme consisted of the recommendations from special rapporteurs and working groups, which the Commission was receiving in increasing numbers. Such mechanisms, and the treaty-based bodies, should be encouraged to focus their attention on advisory services, and the Centre should draw upon their recommendations to formulate concrete project proposals for submission to the Governments concerned. In that context, it would be desirable to include in the report to the forty-eighth session of the Commission a chapter on such recommendations and the follow-up they received.

60. Increased international co-operation on technical assistance in the field of human rights was a welcome addition - not an alternative - to monitoring human rights violations. Such assistance would help improve human rights protection worldwide, provided that Governments showed willingness and sought assistance wherever necessary.

61. Mr. KOSSENKO (Union of Soviet Socialist Republics) said that the United Nations had an important role to play in providing practical assistance to establish and strengthen national institutions in the field of human rights and to familiarize local authorities with international human rights standards. His Government attached particular importance to the programme of advisory services and was striving to enhance its co-operation with the Centre for Human Rights in that area.

62. Over the past three years, it had held, in association with the Centre, a seminar in Moscow on Eastern European countries and a national training course, and it had actively participated in organizing the European Workshop on International Standards in the Field of Human Rights, held at Kiev (Ukrainian SSR) in September 1990. The Workshop had provided a unique opportunity for an exchange of information amongst Eastern and Western European countries on the implementation of international human rights standards.

63. Most recently, a human rights information and education centre had been established at the Institute for Humanitarian and Political Research in Moscow to collect and disseminate information, set up data banks on human rights questions, enlighten young people, schoolchildren and all those interested in human rights activities etc. It was to be hoped that the Centre for Human Rights would provide the necessary technical and other assistance for launching the Moscow organization.

64. In view of the growing importance of the programme of advisory services and technical assistance in the field of human rights, the Voluntary Fund's resources were clearly inadequate. His Government had supported the proposal made at the forty-fifth session of the General Assembly to increase the Centre's human and financial resources so that it could successfully implement the advisory services programme. In his delegation's view, the regular budget resources for human rights activities were quite insufficient, and the Soviet Union therefore called for enhanced resource allocations under the regular budget, which could be accomplished by cancelling outdated programmes or refocusing inefficient programmes from other parts of the United Nations system.

65. Mr. BENEDETTI (Italy) said that advisory services and technical assistance in the field of human rights would take on an increasingly important role as a necessary complement to human rights protection, providing remedies for existing shortcomings and helping to prevent situations from occurring that led to human rights violations.

66. International co-operation was at its best when the Centre for Human Rights was in a position to reply positively to requests for technical assistance. To date, Italy had been the second largest contributor to the Voluntary Fund. A new substantial contribution was currently under consideration, and his Government hoped to be able to make a formal announcement in the coming weeks.

67. The growing importance of those activities, the increased number of requests and the willingness on the part of the donor community to be somewhat more forthcoming in contributing to the Voluntary Fund made it essential to establish more precise criteria for a better use of the limited resources available. His delegation therefore welcomed the Centre's efforts to elaborate guidelines for project formulation, implementation and reporting and was in general agreement with the priority objectives being redefined for the technical assistance programme.

68. Technical assistance projects in the field of human rights were not, however, identical with development projects. Whereas in the latter case, the results were clearly visible, projects in the field of human rights had to do with such imponderables as states of mind, attitudes, etc. Consequently, criteria derived primarily from economic development experiences should be applied with caution. The human spirit and progress in promoting human rights could not easily be quantified.

69. The Centre should retain some flexibility in apportioning the funds available so as to respond suitably to any given request or situation. That meant more responsibility for the Centre, which must continue its endeavours to put scarce resources to the best possible use.

70. His delegation supported the concept of a co-ordinated effort among the United Nations specialized agencies in the field of human rights and of the Centre's close co-operation with both the recipient and the donor countries.

71. In the case of Guatemala, when the decision had been taken on the agenda item under which to discuss the report of the independent Expert on that subject (E/CN.4/1991/5 and Add.1), his delegation had voted to signal its concern for the human rights situation in that country. While not underestimating the objective difficulties encountered by the previous Government in redressing a situation whose root causes lay in the history and structure of Guatemala and while not denying that sincere efforts had been made to improve the respect for human rights there, it had simply wished to express its continued concern at the persistent violations of the human rights of the Guatemalan people.

72. The item under which Guatemala was to be discussed was not of primary importance. What mattered was rather the substance, namely, the findings, recommendations and conclusions of the independent Expert and the need for a

continuous monitoring of the situation coupled with the provision of all necessary technical assistance to help the Guatemalan authorities discharge their international responsibilities in the field of human rights.

73. Any resolution that covered those two aspects would be supported by his delegation in an endeavour to reassert Italy's traditional friendship and constructive concern for the Guatemalan people as well as the confidence and hopes it placed in the newly elected Government of Guatemala and its readiness to assist it, through the Commission, in dealing with the formidable problems it had to face.

74. Mr. TROTTIER (Canada) said that the goals of the advisory services programme were consistent with his Government's view that, although the ratification of international human rights instruments was important, only effective implementation would have a real bearing on the human rights of the world's citizens. That was one of the reasons why his Government had pressed for the creation in 1987 of the Voluntary Fund for Advisory Services and Technical Assistance. Canada had been the first contributor to the Fund and remained one of its strongest supporters.

75. Canada's emphasis on implementation of human rights instruments had also been a major factor in its sponsoring, with the Centre for Human Rights, of the Workshop on the Optional Protocol to the International Covenant on Civil and Political Rights, held at Ottawa in June 1990.

76. His delegation saw an important role for advisory services in the area of democratic development. The advisory services programme should seek to enhance its ability to respond to requests from Members States seeking to strengthen their democratic institutions and processes.

77. One of his Government's major concerns had been the past lack of co-ordination between the various components of the United Nations system with respect to the provision of advisory services and technical assistance. The holding of the second inter-agency meeting in March 1990 had certainly been a step in the right direction, and such contacts should be stepped up with a view to eliminating duplication and ensuring that the activities of the various agencies were mutually complementary.

78. His delegation welcomed the steps taken to strengthen co-operation between the Centre for Human Rights and such multilateral bodies as the Council of Europe, the Organization of American States and the Commonwealth Secretariat. That process should also be enhanced further. The Centre must make greater efforts to establish links and share expertise with other bodies working in the area of human rights, including universities and institutions, such as his own country's newly established International Centre for Human Rights and Democratic Development.

79. The programme of advisory services would also benefit from greater participation by the non-governmental organizations. It was possible to imagine scenarios in which NGOs could take over responsibility for the development of training programmes in human rights education or help in project evaluation.

80. His delegation had been participating in the informal working group of donors that had been meeting the officials of the Centre to draft detailed guidelines for project formulation and justification, including a comprehensive check-list to evaluate proposals and thus greatly to improve the effectiveness of advisory services carried out under the Voluntary Fund. The Centre should continue to work closely with the working group of donors on improving the Fund's operation.

81. As in previous years, his delegation expressed the desire to see more clearly defined objectives in the regular budget programme and would like to know for example, what criteria were being used to select the topics of seminars to be funded under the programme; what mechanisms existed to evaluate the effectiveness of those seminars; whether, in the fellowship programme, there was a follow-up procedure to determine if individuals who received fellowships under the programme played an effective role in implementing human rights standards when they returned to their countries; and what the relationship was between the benefits of the regular budget programme and its costs.

82. The provision of advisory services could not replace effective monitoring of human rights abuses, independent investigation of allegations and censure of Governments that violated human rights standards. The programme must not be used by States as a means of avoiding scrutiny in other areas of the United Nations human rights system. Advisory services projects should be undertaken only where good will and a commitment to make progress in the human rights field had been demonstrated.

83. The programme of advisory services would not succeed unless the Centre for Human Rights and the programme itself were provided with adequate financial and human resources. It was to be hoped that the Commission would adopt a resolution on the activities of the Centre, recognizing its important role in the promotion, protection and implementation of human rights and the need to make sufficient funding available. His delegation was pleased that the Economic and Social Council had approved the Commission's request to provide more human and financial resources to enlarge the advisory services.

84. Mr. van BANNING (Observer for the Netherlands) said that, since the programme of advisory services had been established in 1953, it had been particularly useful in countries where the human rights situation had been a matter of concern to the international community and where Governments had been willing to co-operate with the United Nations to prevent further violations of human rights. The Centre for Human Rights should not restrict itself to reacting to violations of human rights but should rather pursue an action-oriented policy to prevent violations from occurring and focus on providing assistance to Member States to build the necessary infrastructure to ensure the realization of human rights. Consequently, his Government welcomed the establishment of the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights to complement the services provided under the regular budget.

85. The Centre had thoroughly reviewed the programme of advisory services to meet the criticisms made in 1988 and had established specific guidelines for the use of the Fund. As a result, there was a clear distinction between the activities financed from the regular budget and the projects financed from

the Fund. The projects tended to place more emphasis on the establishment of national and regional institutions to promote human rights than on seminars and fellowships.

86. In the formulation of the policy and programme of the Voluntary Fund, the experiences of other United Nations agencies involved in the development of human rights infrastructure could be instructive. For example, the International Labour Organisation had accumulated useful experience in using its technical co-operation machinery to promote standard-setting. Given the distinct parallel between the work of ILO and the Centre, the activities of the Fund could be intensified to promote successfully the practical implementation of the same standards of equality of opportunity, the elimination of child labour, the promotion of employment and the alleviation of absolute poverty.

87. The Centre for Human Rights was, moreover, well equipped to deliver a technical co-operation programme for human rights. As part of its standard-setting work, the Fund could initiate activities for the protection of the rights of the child. Through the experience of its various supervisory mechanisms, the Centre could undertake direct action to follow up the recommendations of the various committees or rapporteurs. The know-how accumulated by the Centre in respect of human rights could be used in the formulation of projects.

88. The Centre had both the expertise to provide the necessary know-how and the capacity to recruit on a worldwide basis the best expertise for project implementation. Lastly, by virtue of its universal role, the Centre was an impartial and independent partner of countries desirous of improving their human rights infrastructure.

89. In addition to ILO, other United Nations agencies and organs such as UNDP, UNHCR, WHO and UNESCO had valuable experience, as did various bilateral and multilateral agencies. The European Committee, in conjunction with the signatories of the Lomé Convention, had incorporated human rights into its development co-operation programme and various Governments were taking human rights increasingly into account in their economic and development co-operation.

90. While Government requests should constitute the basis for providing co-operation, the Voluntary Fund could act as a catalyst in promoting the implementation of standards through suitable projects. To that end, it should establish clearer priorities, while maintaining the necessary flexibility to respond to Government requests. His delegation therefore welcomed the initiative to draft a mid-term plan and hoped that it would be operational before the Commission's forty-eighth session, after consultation with interested Governments and United Nations specialized agencies.

91. Such a plan could focus on activities in the field of economic, social and cultural rights. So far, there had been very few activities of that kind under the programme of advisory services and the Centre could act as a catalyst for the United Nations agencies involved in promoting those rights, because the efforts to promote civil and political rights should take account of the other rights.

92. The changes that had occurred in Europe, and the positive movements towards greater democracy in Latin America and Africa, suggested that the advisory services should do more to promote the relationship between human rights, democracy and development. His delegation felt that the promotion of those rights, which formed the pillars of democracy, should also be a priority area in the medium-term plan of the advisory services.

93. The expansion of the work of the programme of advisory services required substantially larger financial outlays and in particular, clear priorities outlined within a suitable plan. He hoped that, once the medium-term plan was formulated, substantially larger contributions would be forthcoming. In the past year, they had already increased and his own Government's recent contribution to the Fund had brought its total contribution to $US 158,000.

94. As the scope and budget of the programme expanded, a substantially larger managerial capacity in the Centre would be required and there was room for considerable improvement at the management level. He noted with concern that the sizeable balance of undisbursed or uncommitted contributions had risen, despite the large number of project requests submitted to the Centre in the past three years by more than 40 Governments. He therefore welcomed the appointment of a manager for the Fund and the plan to strengthen the managerial staff of the Centre.

95. Better procedures could also be expected as a result of the introduction of the new guidelines modelled on UNDP practices and greater co-operation with the Programme. Strict procedures would also be needed to ensure the separation of the accounts of the Fund from those of the regular budget. He hoped that, once the Fund was adequately staffed and suitable priorities established, it would have a profound and catalytic effect on the implementation of human rights throughout the world.

96. Mr. WIELAND (Peru) said that the main goal of the Commission was to ensure through their promotion and protection that all human rights were enjoyed by all members of the human family. His delegation understood protection to mean the creation of legal and social conditions conducive to such enjoyment. In practical terms, that signified the adaptation of national law to international human rights standards and the introduction of adequate social and economic measures to make all members of the society at all levels aware of their rights and to teach them the meaning of human rights at a very early age.

97. The fellowships awarded and the seminars and workshops held on human rights were important but were not enough. Human rights needed to be taught at all educational levels so that they could permeate all levels of the society. Indeed, the subject should be taught in the same way as if it were a second mother tongue.

98. Another aspect of the promotion of human rights, which could not be covered by the advisory services, was the creation of a more favourable international economic environment so that the developing countries could gain greater profit from their social and economic efforts. That would certainly have a very positive impact on the realization of all human rights.

99. Protection, on the other hand, meant the detection and correction of situations where human rights were not respected. In order to achieve that aim, constant vigilance was required on the part of the international community, through the relevant mechanisms created by the various human rights instruments. The ideal situation was one in which respect for human rights would be the norm and the violation of human rights - and thus the need for protection - would be the exception. Unfortunately, that was very far from being the case.

100. There was still a very long way to go to achieve the realization of human rights. The large number of agenda items dealing with human rights protection indicated the emphasis that was placed on it, but the promotion of human rights should be given more attention than it was currently receiving. Adequate promotion could bring radical, albeit slow, change to the various societies that comprised the world community.

101. In conclusion, his delegation believed that the activities of the advisory services were most important and should be extended not only to the specialists in the government services of the various countries but also to the middle ranks and lower ranks of the police and the armed forces. A serious effort should be made to educate the population at all levels, and thus develop a culture of human rights.

102. Miss ARGUILLAS (Philippines) said that the importance of United Nations advisory services and technical assistance in the field of human rights was confirmed by the increasing number of requests from Governments, especially of developing countries, for technical assistance. The United Nations, and the Centre in particular, had therefore to face the challenge of giving the countries practical assistance in effectively implementing the international human rights instruments. She urged those States which had not yet become parties to the instruments in question to consider ratifying or acceding to them.

103. Over the past year, her Government had requested assistance in the form of fellowships, programmes and services. In May 1990, the first Asian and Pacific Regional Workshop on international human rights standards had been held at Manila, 23 countries and NGOs from the region being represented. The activity was a co-operative one, with her Government providing the premises, administration and substantial financial support. Her delegation felt that such initiatives and positive co-operation between Governments and the Centre should be encouraged.

104. The work of experts played a central role in the programme of advisory services and they should be chosen on the basis of the relevance of their expertise and experience. A list of the experts available could be compiled and circulated by the Centre so that the experience of all regions could be drawn upon.

105. However important they might be, advisory services and technical assistance could never substitute for the monitoring and investigating activities of the human rights programme. They could not relieve a Government of its accountability for the human rights situation in its country nor could they exempt it from United Nations scrutiny. No stigma should be attached to a country which availed itself of advisory services. Rather, it should be

commended for its willingness to accept such assistance and encouraged to promote and protect human rights in accordance with international human rights standards.

106. To meet the various requests from all over the world for assistance, the programme should be provided with adequate human and financial resources. She urged all Governments and NGOs in a position to do so to contribute to the Voluntary Fund for Advisory Services and Technical Assistance in the Field of Human Rights.

107. In conclusion, she drew attention to the request made by the Commission in its resolution 1990/58 to the special rapporteurs and representatives and to the Working Group on Enforced or Involuntary Disappearances, to inform Governments, whenever appropriate, of the possibility of availing themselves of the services provided for under the programme. Such an approach would be constructive and go beyond the stage of identifying what was wrong in a country to specifying how its human rights situation could be further improved, with due regard for its constraints and for the efforts being made by its Government and people.

108. Mr. FULDA (Germany) said that his delegation attached particular importance to the programme of advisory services and technical assistance offered by the Centre for Human Rights because it helped countries to meet their commitment under articles 55 and 56 of the Charter to "promote ... universal respect for, ... human rights and fundamental freedoms".

109. While the responsibility for giving effect to the international recognition of human rights standards lay with national Governments, they were entitled to request United Nations assistance and his delegation hoped that the Organization would always have enough funds to respond to such requests. It welcomed the growing number of requests received and the projects executed in virtually all parts of the world. Such positive developments had become possible as a result of the Voluntary Fund for Advisory Services and Technical Assistance becoming operational. The international community had contributed generously to the Voluntary Fund and his own Government would once again contribute an amount of DM 40,000.

110. It was therefore incumbent upon the Centre to help countries which so requested to identify and formulate the projects which it would finance. His delegation welcomed and appreciated the fact that the Centre had introduced new mechanisms and work methods to cope with the large number of requests and the increased financial contributions and hoped that they would have a positive effect on the human rights situation in many countries.

111. The work of the advisory group in the Centre had contributed to more effective management of the Fund. The use of project guidelines, which had been drawn up in conformity with established UNDP practices, was the most appropriate method for assessing the human rights impact of projects designed to buttress human rights institutions. Those newly established working methods had facilitated a clear assessment by the requesting Governments of the potential of the co-operation, while the donor countries were able to obtain more exact information on how their donations would be used. Governments would thus be assisted in their efforts to obtain money from their parliaments.

112. His delegation welcomed the Secretary-General's expressed intention to make a clear distinction between the projects to be financed from the general budget and the other longer-term technical co-operation projects, which aimed rather at institution building and were to be financed from the Voluntary Fund. It was pleased that the Centre was prepared to participate actively in formulating projects as well as in inter-agency co-operation. That role of clearing-house would help to mobilize additional capacities from other United Nations bodies dealing with particular human rights issues. He was confident that the Centre would continue to maintain a fruitful dialogue with the requesting and donating Governments, as well as with other competent United Nations bodies and the NGOs.

113. Mr. UMOZURIKE (Observer, Organization of African Unity) said that the African Commission on Human and Peoples' Rights had become operational in 1987 and had two main areas of responsibility, namely, protection and promotion. It was also required to interpret the African Charter on Human and Peoples' Rights and carry out any other responsibilities assigned to it by the Assembly of Heads of State and Government.

114. In the area of protection, there had been no communications from any States parties regarding breaches of the Charter but there had been 110 communications from individuals, groups of individuals or organizations, 21 of which involved complaints against member States. Two such communications had been successfully resolved, resulting in the release of a number of detainees.

115. In the field of promotion, the Commission's activities had been boosted by a donation from the Danish Agency for International Development (DANIDA). The forthcoming session of the Commission at Lagos in March 1991 would afford the opportunity to assess the achievements made in promotion, over the past five months.

116. The problems of the Commission stemmed from limited resources, the inability to pay visits to ascertain the facts, delays in replying to enquiries about alleged breaches and the general communications difficulties of Africa. However, progress was being made in bringing to light African concern for human rights, violations of which could no longer be swept under the carpet.

117. He acknowledged the ready co-operation of the Centre for Human Rights which had resulted in the appointment of consultants to study the Commission's needs and suggest a strategy for meeting them. Only that afternoon, a preliminary plan of action had been discussed with the Under-Secretary-General for Human Rights. Support had also been received from the European Commission, DANIDA and the Friedrich Naumann Foundation.

118. Mr. LARSEN (Observer for Denmark), speaking on behalf of the Nordic countries, said that the lack of economic, administrative and human resources constituted a serious obstacle to the promotion and protection of human rights. However, problems of that kind should never be used as an excuse for human rights violations. Monitoring of the implementation of human rights obligations could be performed in parallel with the provision of advisory services.

119. It was the duty of the international community as a whole, to provide funds to those developing countries where the political will existed to promote and protect human rights but adequate resources were lacking. One of the main objectives of such a system should be to support efforts by Governments to promote all human rights, because there was a close relationship between democracy, human rights and sustainable development.

120. Meaningful participation of the people in the economic and social development of their country implied the right to participate in the Government and thereby to hold it accountable for its actions and policies. Free periodic elections were thus required.

121. The Nordic countries firmly believed that the three goals of democracy, human rights and development should be pursued simultaneously by the international community. Consequently, in their bilateral programmes for development co-operation, they had made democracy and human rights key concepts. The multilateral organizations and programmes for development co-operation should also focus more on democracy and human rights as the basic elements of development. That could be done by strengthening further inter-agency contacts regarding the human rights aspects of their programmes, in which regard UNDP had an important role to play.

122. The Nordic countries welcomed the inter-agency contacts on advisory services established by the Secretariat and the role being played by the Centre for Human Rights as the focal point of the United Nations efforts in that area. They were convinced that, in the years to come, the Centre would have an important catalytic effect on United Nations human rights work.

123. The Voluntary Fund needed increased resources to perform the urgent tasks that had be done and the Nordic countries had shown their support for advisory services by making considerable contributions to the Fund. They had also displayed an interest in the development and expansion of the activities of the Fund and had been involved in the attempts to solve the conceptual and methodological problems related to those activities.

124. As part of their close co-operation in that field, they had decided to co-ordinate their positions and contributions to the Fund's activities and to avoid earmarking the latter for any specific development co-operation programmes. They had furthermore, agreed to increase their contributions to the Fund to a total of approximately $US 1.5 million, and hoped that the momentum gained by the advisory services would enable other countries, including new donors, to make substantial contributions to the Fund.

The meeting rose at 6.08 p.m.